

REMARKS

The Office Action mailed September 14, 2005, has been carefully reviewed and the foregoing amendments and the following remarks are made in response thereto.

Claims 1 and 8 stand objected to for minor informalities. Claims 1-10, 12 and 14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0086292 to Kamimura. Claims 11 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kamimura in view of U.S. Patent Application Publication No. 2003/0215255 to Kinouchi et al. (hereinafter “Kinouchi”).

By this amendment, claim 1 has been amended according to the Examiner’s helpful suggestion to correct a minor informality. In particular, claim 1 has been amended for clarity to correct “locates” to “located.” Claims 2-6, 8, 10, 11 and 13 have been amended for clarity and/or to further define the subject matter Applicant regards as the invention. Support for the amendments to these claims can be found on page 12, lines 15-20; page 14, line 18 through page 16, line 4; and page 17, line 4 through page 19, line 1 of the present specification.

Independent claim 5 has also been amended to address the Examiner’s concerns found on page 2 of the outstanding Office Action regarding dependent claim 8. In particular, independent claim 5 has been amended to point out that the [heating member] *returns from the second temperature to the first temperature stepwise* (e.g., gradually raising the temperature from a low temperature back to a high temperature). With the amendments made to independent claim 5, Applicant respectfully submits that dependent claim 8 has been made more clear, thus, any further amendments to this claim is not necessary. New claims 15-17 have been added and claims 12 and 14 remain unchanged.

This amendment changes, adds, and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. Thus, claims 1-17 are presently pending in this application for consideration.

Applicant respectfully submits that each of the pending claims is patentably distinguishable over the cited references as required by § 102 and § 103. Applicant further

submits that none of the cited references, whether considered alone or in combination, discloses Applicant's claimed image apparatus and method of controlling a heating unit. Amended independent apparatus claim 1 includes a first control mode *which performs control to drop the temperatures in the first and second regions from a fixing temperature by a predetermined temperature, with specific timing corresponding to a number of mediums on which an image is to be formed*. Independent claims 5 and 10 recite a similar feature in the context of a method claim and an apparatus claim incorporating means-plus-function language, respectively. In addition, independent claims 1 and 10 each further includes the feature of a second control mode *which turns off either the first heating member or the second heating member... which has priority over the other member, the priority being determined according to the number of mediums on which an image is to be formed* or similar language. By contrast, the cited references fail to disclose or suggest at least one of these claimed features. Accordingly, each of the claims is patentably distinguishable over the cited references. These distinctions will be further described below.

THE CLAIMS DISTINGUISH OVER THE CITED REFERENCES

Each of the independent claims stands rejected under 35 U.S.C. § 102(e) as being anticipated by Kamimura. These rejections are respectfully traversed because each of the independent claims has been amended to define a relationship between the temperature of the first and second regions of the heating member and a specific timing corresponding to a number of mediums on which an image is to be formed that is not disclosed in or suggested by the Kamimura patent. In particular, the cited reference fails to disclose or suggest a first control mode *which performs control to drop the temperatures in the first and second regions from a fixing temperature by a predetermined temperature, with specific timing corresponding to a number of mediums on which an image is to be formed*. The Kamimura patent also fails to disclose or suggest a second control mode *which turns off either the first heating member or the second heating member... which has priority over the other member, the priority being determined according to the number of mediums on which an image is to be formed* as recited in independent claims 1 and 10.

Kamimura is directed to a fixing device having multiple heater lamps. As shown in Fig. 1 of the Kamimura patent, first and second heater lamps 11 and 12 are disposed in fixing heat roller 10. (Paragraph [0026], lines 1-3). A thermister 13 is provided for detecting the temperature on the outer surface of the fixing heat roller 10. (Paragraph [0026], lines 9-12). A microcomputer 20 is part of a control circuit for activating the first and second heater lamps 11 and 12 based on the temperature detected by the thermister 13. (Paragraph [0027], lines 1-8). According to Kamimura, the control circuit activates the heater lamps 11 and 12 with a time interval so that one of the heater lamps is activated earlier than the other heater lamp to avoid a rush current. (Paragraph [0038], lines 1-14). Kamimura, however, fails to disclose or suggest the claimed first control mode *which performs control to drop the temperatures in the first and second regions from a fixing temperature by a predetermined temperature, with specific timing corresponding to a number of mediums on which an image is to be formed* as recited in each of the independent claims. Moreover, the Kamimura patent also fails to disclose or suggest the second control mode *which turns off either the first heating member or the second heating member... which has priority over the other member, the priority being determined according to the number of mediums on which an image is to be formed* as recited in independent claims 1 and 10.

The Kinouchi patent cited by the Examiner only for its disclosure of a heating means including a center and end region does nothing to compensate for Kamimura's deficiencies.

In view of the fact that the Kamimura and Kinouchi patents do not disclose each of the claimed features discussed above, these two references cannot be said to anticipate nor can they be said to render obvious the invention which is the subject matter of independent claims 1, 5 and 10. Thus these claims are allowable. Since independent claims 1, 5 and 10 are allowable, claims 2-4, 6-9 and 11-17 are also allowable by virtue of their direct or indirect dependence from allowable independent claims 1, 5 and 10 and for containing other patentable features. Further remarks regarding the asserted relationship between any of the claims and the cited references is not necessary in view of their allowability. Applicant's silence as to the Office Action's comments is not indicative of being in acquiescence to the stated grounds of rejection.

Applicant believes that the present application is now in condition for allowance.
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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